REMARKS

Amendments

Amendments to the Claims

Applicant has amended the independent claims define the terms "access unit" and "fragment update command." No new matter has been added as a result of these amendments because they are supported, *intra alia*, in paragraphs 28, 37 and 38.

Rejections

Rejections under 35 U.S.C. § 112, second paragraph
Claims 1-90

Claims 1-90 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully reminds the Examiner the definiteness of claim language must be analyzed in light of the teachings of the prior art and the specification as it would be interpreted by one of skill in the art [MPEP 2173.02]. Applicant respectfully submits that one of ordinary skill in the data processing arts would understand from the Specification and drawings the meaning of the terms "access unit" and "fragment update command."

Nonetheless, in the interest of advancing prosecution, Applicant has amended the claims to define the terms. Accordingly, Applicant respectfully submits that claims 1-90, as amended, satisfy the requirements of 35 U.S.C § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112, second paragraph.

Rejections under 35 U.S.C. § 103
Claims 1-5, 7-35, 37-65, 67-90

Claims 1-5, 7-35, 37-65, 67-90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basso, et al., U.S. Patent 6,751,623 (previously cited) in view of Gallotta, et al., U.S. Patent 6,392,654. Gallotta only qualifies as prior art under 35 U.S.C.

§ 102(e) because it issued after Applicant's filing date. Applicant does not admit that Gallotta is prior art and reserves the right to challenge it at a later date.

Gallotta discloses a video graphics system that updates the status of the memory block in a memory block status register using a memory block status update command. The Examiner asserts that Gallotta discloses the encoding and decoding of MPEG scene descriptions to provide motivation for combining Basso and Gallotta. As one of skill in the art is well-aware, MPEG descriptions represent metadata for MPEG video. However, Gallotta only describes the video graphics system as processing MPEG video and there is no mention at all in Gallotta that the video graphics system processes MPEG scene descriptions. Therefore, Gallotta provides no support for the Examiner's stated motivation, and thus the combination of Basso and Gallotta is improper.

Furthermore, the Examiner is relying on Gallotta as disclosing Applicant's claimed fragment update command. However, Gallotta's update command updates a status register in a video graphics system with information about the status of a memory block. In contrast, Applicant's fragment update command specifies a type of command for execution by a decoder to update a multimedia description. Because a status register is not equivalent to a multimedia description, and because Gallotta does not teach or suggest any processing of multimedia descriptions, Gallotta does not disclose the fragment update command as claimed.

Because Basso also does not disclose Applicant's claimed fragment update command, the combination of Basso and Gallotta cannot be properly interpreted as doing so.

Therefore, because combination is improper and does not render obvious Applicant's invention as claimed in claims 1-5, 7-35, 37-65, 67-90, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Basso and Gallotta.

Claims 6, 36 and 66

Claims 6, 36 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basso and Gallotta, in combination with Srivastava, et al., U.S. Patent 6,549,922 and the W3C press release of November 16, 1999 (both previously cited).

Claims 6, 36 and 66 depend from one of independent claims 1, 31 and 61. Because the combination of Basso and Gallotta does not disclose Applicant's claimed fragment update command, either Srivastava or the W3C press release must do so to have a proper *prima facie* case of obviousness for claims 6, 36 and 66. However, neither Srivastava nor the W3C press release teach or suggest a fragment update command as claimed.

Moreover, because the combination of Basso and Gallotta is improper, the further combination of Basso, Gallotta, Srivastava and the W3C press release is also improper.

Therefore, because combination is improper and does not render obvious Applicant's invention as claimed in claims 6, 36 and 66, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Basso, Gallotta, Srivastava and the W3C press release.

SUMMARY

Claims 1-90 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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